

Rel: March 31, 2023

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SUPREME COURT OF ALABAMA

OCTOBER TERM, 2022-2023

1200401

**Tamera Erskine, as personal representative
of the Estate of Joann Bashinsky, deceased**

v.

J. Kenneth Guin, Jr., and Gregory H. Hawley

1210153

John P. McKleroy, Jr., and Patty Townsend

1200401 and 1210153

v.

**Landon E. Ash and Tamera Erskine, as personal
representative of the Estate of Joann Bashinsky, deceased**

**Appeals from Jefferson Probate Court
(19BHM02213)**

On Applications For Rehearing

PER CURIAM.

1200401 -- APPLICATION OVERRULED. NO OPINION.

Parker, C.J., and Bryan, Sellers, Mendheim, and Stewart, JJ., and
Thompson, Special Justice,* concur.

Bolin, Special Justice,* dissents, with opinion.

Shaw, Wise, Mitchell, and Cook, JJ., recuse themselves.

1210153 -- APPLICATION OVERRULED. NO OPINION.

Parker, C.J., and Bryan, Sellers, Mendheim, and Stewart, JJ., and
Bolin and Thompson, Special Justices,* concur.

Shaw, Wise, Mitchell, and Cook, JJ., recuse themselves.

*Retired Associate Justice Mike Bolin and Judge William
Thompson of the Alabama Court of Civil Appeals were appointed to serve
as Special Justices to consider these applications for rehearing.

1200401 and 1210153

BOLIN, Special Justice (dissenting in appeal no. 1200401).

I dissent to overruling the application for rehearing in appeal no. 1200401. Based on the reasoning set forth in my dissent to the main opinion on original submission, I would grant rehearing; I would dismiss the appeal in part, insofar as it challenges the trial court's December 11, 2020, order, because the appeal from that order was untimely; and I would affirm the trial court's January 22, 2021, order on the merits.